

COPY OF ENTRY FILED
APR -2 2012

COURT OF COMMON PLEAS
HAMILTON COUNTY, OHIO

WILLIAM L. JENNINGS-EL : Case No. A112704
: :
Pro Se Plaintiff, : Judge Allen
vs. : :
: :
KROGER FOOD CORP. : :
: :
Defendant :

COPY

**ORDER GRANTING MOTION OF DEFENDANT FOR SANCTIONS AGAINST
PLAINTIFF AND TO DECLARE VEXATIOUS LITIGATOR**

This matter came before this Court on Motion of Defendants, Kroger Food Corp., whose proper designation is The Kroger Limited Partnership I, and Michael Graves, for Sanctions Against Plaintiff, William Jennings-El, pursuant to Ohio R.Civ.P. 11 and to Declare Plaintiff a Vexatious Litigator. The Motion was set by this Court for hearing on this 27th day of March, 2012 and notice was duly sent to all parties of record. The Court being fully advised in the premises, and after hearing on the Motion, hereby GRANTS the Motion, in its entirety, and finds as follows:

1. MOTION FOR SANCTIONS PURSUANT TO CIVIL RULE 11

The Court finds the Motion for Sanction pursuant to Civil Rule 11, to be **WELL TAKEN** and **GRANTS SAME**.

This Court finds that the plaintiff commenced this action without legal basis, and acted in this matter without regard for the basic rules of this court, in violation of Civil Rule 11. "Pro se litigants are presumed to have knowledge of the law and legal procedures and that they are held

to the same standard as litigants who are represented by counsel.” *Sabouri v. Ohio Dept. of Job & Family Serv.*, 145 Ohio App.3d 651, 653 (Ohio App. 10 Dist., 2001); *Kilroy v. B.H. Lakeshore Co.*, 111 Ohio App.3d 357, 363 (Ohio App. 8 Dist., 1996); *Meyers v. First Natl. Bank*, 3 Ohio App.3d 209, 210 (Ohio App. 1 Dist., 1981).

The plaintiff, having no legal basis to commence or maintain this action has violated Civil Rule 11, and sanctions are appropriate.

ACCORDINGLY, this Court finds, consistent with the Motion and today’s hearing, that the Defendants are entitled to be reimbursed to the amount of their reasonable attorney’s fees as incurred in the defense of this case in the amount of \$2,500.00. Defendants shall be entitled to a Judgment in their favor in this amount.

2. MOTION TO HAVE PLAINTIFF DECLARED A VEXATIOUS LITIGATOR.

The Court finds the Motion to have Plaintiff declared a Vexatious Litigator pursuant to Ohio Revised Code §2323.52, to be **WELL TAKEN** and **GRANTS SAME**.

Specifically, this Court finds that the plaintiff has habitually, persistently, and without reasonable grounds engaged in vexatious conduct in a civil action or actions, in the courts of Hamilton County, and has exhibited vexatious conduct against the same party or against different parties in the civil action or actions.

THEREFORE, this Court hereby **ORDERS**, that the plaintiff, William Jennings-El, be and hereby is prohibited, without first obtaining the leave of that court to proceed, from:

- (a) Instituting or continuing any legal proceedings in the court of claims or in a court of common pleas, municipal court, county

court or court of appeals;

(b) Making any application, other than an application for leave to proceed as may be allowed under § 2323.52 of the Ohio Revised Code, in any legal proceedings instituted in the court of claims or in a court of common pleas, municipal court, county court or court of appeals.

This ORDER remain in force indefinitely.

IT IS SO ORDERED.

ENTER

MAR 28 2012



Judge Nadine Allen

NADINE L. ALLEN, JUDGE

The clerk of the court of common pleas is hereby directed to send a certified copy of the order to the Supreme Court for publication.